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 9 UNITED STATES DISTRICT COURT  
 10 NORTHERN DISTRICT OF CALIFORNIA  
 11 SAN FRANCISCO DIVISION

12 IN RE: BEXTRA AND CELEBREX  
 13 MARKETING SALES PRACTICES AND  
 14 PRODUCT LIABILITY LITIGATION

CASE NO. M:05-CV-01699-CRB

MDL No. 1699

Judge Charles R. Breyer

15 **This Order Relates to:**

16 Ayers v. Pfizer Inc., et al.  
 No. C-05-3770

17 Cherdak v. Pfizer, Inc., et al.  
 18 No. C-08-cv-02477

19 Daroogar v. Merck & Co., Inc., et al.  
 20 No. C-07-1061

21 Daubert et al. v. Pfizer, Inc. et al.  
 No. C-07-1493

22 Eliscu v. Merck & Co., Inc., et al.  
 23 No. C-06-3274

24 Kinzer et al. v. Pfizer, Inc., et al.  
 No. C-06-01714

25 Solis-King et al. v. Pfizer, Inc., et al.  
 26 No. M:06-CV-00371

**STIPULATION AND ORDER OF  
 DISMISSAL WITH PREJUDICE**

27 Come now Plaintiffs NANCY AYERS, ERIK B. CHERDAK, SHAHIN DAROOGAR,  
 28 PAMELA DAUBERT, WALTER DAUBERT, RICHARD ELISCU, LIZETTE KINZER,

1 WILLIAM SCOTT KINZER, CONSUELO SOLIS-KING, AND JERRY B. KING, and  
2 Defendants, by and through the undersigned attorneys, pursuant to Federal Rule of Civil  
3 Procedure, Rule 41(a), and hereby stipulate to the dismissal of these actions with prejudice with  
4 each side bearing its own attorneys' fees and costs.

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1 Dated: March 12, 2009 LIEFF, CABRASER, HEIMANN & BERNSTEIN, LLP

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3 By: \_\_\_\_\_

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10 *Attorneys for Plaintiffs*

11 Dated: ~~March~~ <sup>May 18</sup> \_\_\_, 2009 DLA PIPER LLP (US)

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19 *Defendants' Liaison Counsel*

20 **PURSUANT TO THE TERMS SET FORTH IN THE PARTIES' STIPULATION, IT IS**  
21 **SO ORDERED.**

22 Dated: ~~March~~ <sup>May 29</sup> \_\_\_, 2009

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HONORABLE CHARLES R. BREYER  
UNITED STATES DISTRICT COURT

